

Swinomish Tribal Community  
Swinomish Interim Water Code  
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Health Ordinance  
Adopted: 1980

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### SWINOMISH INTERIM WATER CODE

Chapter Interim Water Code  
15-1 [History] Ord 80-8-748(8/12/80)

#### 15-1.010 Purpose

In order to promote the general welfare of the Swinomish Tribal Community and to protect and preserve the waters of the Reservation for this and future generations of the people of the Swinomish Tribal Community, the Community hereby asserts its exclusive rights and jurisdiction over the waters of the Reservation for all purposes.

#### 15-1.020 Waters of the Reservation Defined

The waters of the Swinomish Indian Reservation are defined as:

- (1) All waters located upon or bordering the Swinomish Indian Reservation, whether flowing or stationary, whether above or below the surface of the ground, and whether diffused or contained within a defined water course or water body of any kind; and
- (2) All waters reserved at any time to the Swinomish Tribal Community or the Reservation by the United States and the Community; and

(3) All water which, in the course of nature or as the result of artificial works, flows into or otherwise enhances such waters.

#### 15-1.030 Prohibition

After the effective date of this chapter 15-1, it shall  
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(3) All water which, in the course of nature or as the result of artificial works, flows into or otherwise enhances such waters.

#### 15-1.030 Prohibition

After the effective date of this chapter 15-1, it shall be unlawful to divert or withdraw or otherwise make any use of, or take any action of any kind substantially affecting the waters of the Swimonish Indian Reservation or to increase substantially an existing use. This prohibition shall remain in effect until repealed or until the effective date of any subsequent ordinance replacing or amending this chapter 15-1. The Senate may allow exceptions to this chapter 15-1 when it determines such exceptions to be in the best interests of the Swinomish Tribal Community, subject to the overall policy of preserving the

water resources of the Reservation and avoiding overuse.

#### 15-1.040 Enforcement

It shall be the duty of the Swinomish Planning Department, under the direction of the Swinomish Planning Commission to investigate water uses to determine whether they are in compliance with this chapter 15-1, and that department's staff, alone or with Tribal Law Enforcement officers, may enter upon any lands within the exterior boundaries of the Reservation to make inspections.

#### 15-1.050 Penalties

Any use, diversion, withdrawal, or increase in an existing use of water, or any other action affecting substantially the waters of the Reservation, except in accordance with this chapter 15-1 shall be a civil offense punishable by a fine of not more than \$600 or forfeiture of any rights in waters of the Reservation or both.

#### 15-1.060 Rules and Regulations

The Swinomish Planning Commission is authorized to adopt rules and regulations as it deems necessary to implement the objectives of this chapter 15-1. Such rules and regulations shall not be valid until approved by the Senate.

#### 15-1.070 Severability

If any provision of this chapter 15-1, sections 15-1.010 to 15-1.080, or the application thereof to any person or circumstances is held invalid, the chapter 15-1 shall remain in effect without the invalid provision or application in all other respects.

#### 15-1.080 Construction

This chapter 15-1 shall be liberally construed to effectuate its purposes.